

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *eg* D.C.
05 MAY 12 AM 8:37

ROBERT J. TULLIO
CLERK, U.S. DIST. CT.
W.D. OF TENN. MEMPHIS

ANTHONY D. CUTTLE,

Petitioner,

vs.

DAVID MILLS,

Respondent.

X
X
X
X
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X

No. 05-2144-D/V

ORDER CORRECTING THE DOCKET
AND
ORDER FOR RESPONDENT TO FILE RECORD AND TO RESPOND

Petitioner Anthony D. Cuttle, Tennessee Department of Correction prisoner number 136832, an inmate at the West Tennessee State Penitentiary ("WTSP") in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254 on February 23, 2005 and paid the habeas filing fee. The Clerk shall record the respondent as WTSP warden David Mills.¹


It is ORDERED, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, that respondent David Mills file a response to the petition within

¹ Although the petition lists Tennessee Attorney General Paul G. Summers as an additional respondent, the only proper respondent to a habeas petition is the petitioner's custodian. See Rumsfeld v. Padilla, 124 S. Ct. 2711, 2718 (2004). The Clerk is ORDERED to remove the Tennessee Attorney General as a party to this action.

twenty-three (23) days. The response shall include the complete trial and appellate record of Mills's original case and every subsequent state petition for collateral relief.

It is further ORDERED, pursuant to Rule 4, that the Clerk shall send a copy of the petition and this order to David Mills and the Tennessee Attorney General and Reporter by certified mail.

IT IS SO ORDERED this 11th day of May, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 2:05-CV-02144 was distributed by fax, mail, or direct printing on May 13, 2005 to the parties listed.

Anthony D. Cuttle
WEST TENNESSEE STATE PENITENTIARY
136832
P.O. Box 1150
Henning, TN 38041

Honorable Bernice Donald
US DISTRICT COURT